

Message Text

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ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00
ERDA-07 AID-05 CEA-01 CIAE-00 COME-00 DODE-00 EB-08
FEAE-00 FPC-01 H-02 INR-07 INT-05 L-03 NSAE-00 NSC-05
OMB-01 PM-04 SP-02 SS-15 STR-04 TRSE-00 ACDA-10 EPA-04
PA-02 PRS-01 /106 W

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O 141837Z MAR 77

FM USMISSION OECD PARIS

TO SECSTATE WASH DC IMMEDIATE 5695

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PASS: OES FOR PROCHNIK, ERDA FOR VANDERRYIN, EPA FOR DYER.

E.O. 11652:N/A

TAGS: ENRG, OECD, SENV

SUBJECT: REPORT ON MARCH 10,11 - AD HOC WORKING PARTY ON
SEA DISPOSAL OF RADIOACTIVE WASTE.

1. AS REQUESTED, MISSION OFFICER REPRESENTED US AT MARCH
10, 11 MEETING OF NEA AD HOC WORKING PARTY ON SEA DISPO-
SAL OF RADIOACTIVE WASTE.

2. FOLLOWING COMMENTS RELATE TO SUBJECT MEETING AND ARE
KEYED TO INDIVIDUAL GUIDANCE POINTS CONTAINED IN STATE
052569 :

(A) AND (B) - A COPY OF THE PROVISIONAL RECORD OF THE
FEBRUARY 23, 1977 MEETING OF THE IAEA BOARD OF GOVERNORS
WAS OBTAINED DIRECTLY FROM IAEA REPRESENTATIVE. MAIN
CONCLUSION OF MEETING WAS ADOPTION OF IAEA ROLE TOWARDS
IMPLEMENTING LONDON CONVENTION BY PROVIDING GUIDELINES
IN THE FORM OF RELEVANT CODES AND GUIDES AND POSSIBLY TO
THE EXTENT OF PROVIDING ADVISORY SERVICES UPON REQUEST.
PROVISIONAL RECORD OF IAEA MEETING AS WELL AS OTHER RE-
LEVANT DOCUMENTS ARE BEING POUCHED TO DYER AT EPA.

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(C) DISCUSSION ON THIS ISSUE AND MOST OTHERS INVOLVED
FOR THE MOST PART, THE UK, THE NETHERLANDS AND OCCASIO-
NALLY SWITZERLAND AND THE FRG ON THE ONE SIDE AND CANADA,
IRELAND, PORTUGAL, SWEDEN, THE US AND OCCASIONALLY SPAIN
ON THE OTHER. A PRINCIPAL ARGUMENT AGAINST MONITORING
WAS ON THE GROUNDS OF TECHNICAL INFEASIBILITY. FURTHER-
MORE, THE UK DELEGATE WISHED TO EXTEND THE 5 YEAR REVIEW

REQUIREMENT TO 10 YEARS. AFTER A LENGTHY AND SOMETIMES HEATED DEBATE WHICH AT ONE POINT HAD THE UK DELEGATE ACCUSING THE ANTI DUMPERS OF TREATING DUMPERS AS CRIMINALS (THE DUTCH DELIVERED A SIMILAR SERMON LATER ON) , THE FOLLOWING WORDS WERE ADDED TO THE END OF ARTICLE 2A (III) : "AND SHALL INCLUDE THE RESULTS OF APPROPRIATE MONITORING". THE IAEA DELEGATE NOTED THAT THE IAEA PROVISIONAL DEFINITION AND RECOMMENDATIONS CONTAINED A CLAUSE CALLING FOR MONITORING TO THE EXTENT FEASIBLE AND MEANINGFUL.

(D) THE CHAIRMAN EXPLAINED THAT ARTICLE 3(B) WAS INTENDED TO APPLY TO ALL DUMPING OPERATIONS, NOT ONLY THOSE FOR WHICH A NEW SITE WAS BEING PROPOSED. CLARIFICATION WAS OBTAINED BY CHANGING THE WORDS "THIS NOTIFICATION" TO "EACH NOTIFICATION" IN THE FINAL SENTENCE OF THE OPENING PARAGRAPH OF ARTICLE 3(B).

(E) IT WAS NOTED THAT THE FOURTH NEW PARAGRAPH TO THE PREAMBLE SATISFIES US CONCERN REGARDING USE OF THE WORD "PROVISIONAL".

(F) EXTENSIVE DISCUSSION OCCURRED ON THIS POINT. UK DELEGATE QUESTIONED NEED TO EXPLICITLY INCLUDE INSTRUCTIONS FOR CONSULTATIONS WITH THE ENVIRONMENT COMMITTEE AND WHETHER INTERNAL OECD CONFLICTS COULD SURFACE CAUSING DELAYS DURING ACTUAL DUMPING OPERATIONS. THE FRG EXPRESSED THE BELIEF THAT ENVIRONMENTAL COORDINATION COULD BEST BE ACCOMPLISHED ON A NATIONAL RATHER THAN INTERNATIONAL LEVEL AND ALSO QUESTIONED THE REASONING BEHIND ASKING NEA TO CONSULT WITH THE OECD ENVIRONMENT COMMITTEE WHILE IN AN ANALOGOUS SITUATION, THE IAEA UNCLASSIFIED

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WAS NOT BEING ASKED TO CONSULT WITH UNEP. THE DUTCH AND SWISS WERE CONCERNED THAT COUNTRIES NOT INVOLVED IN AN ACTUAL DUMPING OPERATION WOULD BE CAPABLE OF AN OBSTRUCTIONIST ROLE VIA THE CONSULTATIVE PROCEDURE. NEVERTHELESS , AN EVENTUAL CONSENSUS WAS REACHED CALLING FOR OECD ENVIRONMENTAL DIRECTORATE INPUT ON QUESTIONS OF POLICY, BUT AS PREVIOUSLY AGREED TO, EXCLUDING OPERATIONAL MATTERS. WALLENBERG REPRESENTING THE OECD ENVIRONMENTAL DIRECTORATE, HOWEVER, RESERVED ON THE ISSUE. HE INDICATED THAT HIS DIRECTOR WANTS THE OPPORTUNITY TO DISCUSS THE MATTER WITH THE NEA STEERING COMMITTEE. THE PROBLEM APPEARS TO BE UNCERTAINTY AS TO THE EXTENT OF INVOLVEMENT SINCE MANY ENVIRONMENTAL COMMITTEE MEMBERS OBJECT TO SEA DUMPING. TO AVOID WHAT MIGHT OTHERWISE BE A CUMBERSOME AND TIME CONSUMING PROCEDURE WITH SIGNIFICANT POTENTIAL FOR DELAY, "COMMITTEE" WAS REPLACED BY "DIRECTORATE". IN ADDITION, ARTICLE 4(B) WAS REWORDED TO AVOID AMBIGUITIES PERCEIVED IN THE ORIGINAL VERSION.

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(G) THE UK AND THE NETHERLANDS EXPRESSED A GREAT AVERSION TO THE REMOVAL OF THE BRACKETED PHRASE IN ARTICLE 6(B). THE WORDS WERE MODIFIED TO READ "INsofar AS REASONABLY PRACTICAL".

(H) THIS POINT WAS ALSO RAISED BY PORTUGAL AND CAUSED THE ISSUE OF NATIONAL SOVEREIGNTY TO BE BROUGHT UP BY THE UK. ON A RELATED AND EQUALLY DELICATE ISSUE, THE WORDS IN NEW ARTICLE 6(E) "THE OPERATION SHOULD BE SUSPENDED" WERE REPLACED BY "THE ESCORTING OFFICER OR OFFICERS SHALL IMMEDIATELY INFORM THE DIRECTOR GENERAL OF NEA", THE PRESUMPTION BEING THAT THE DIRECTOR GENERAL WOULD SUSPEND THE OPERATION IF DESIRABLE OR NECESSARY.

(I) THE JAPANESE DELEGATE STATED THAT SINCE JAPAN WAS NOT YET A SIGNATORY TO THE LONDON CONVENTION, HE COULD NOT AGREE TO THE DELETION WITHOUT FURTHER CONSULTATION WITH HIS AUTHORITIES. AUSTRALIA ALSO WISHED TO RETAIN THE ORIGINAL WORDING. THE GENERAL FEELING WAS THAT THE ISSUE WOULD BECOME MOOT AFTER ALL PARTICIPANTS HAD SIGNED THE LONDON CONVENTION AND IT WAS THEREFORE RECOMMENDED NOT TO ACCEPT THE US SUGGESTION.

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3. NO OTHER SIGNIFICANT CHANGES WERE MADE TO THE DRAFT
DECISION. A PORTUGUESE AND NORWEGIAN SUGGESTION TO INCLU-
DE THE NAMES OF COUNTRIES OPPOSED TO SEA DUMPING IN THE
PREAMBLE WAS REJECTED CHIEFLY ON THE GROUNDS THAT IT
WOULD BE DIFFICULT TO AMEND THESE NAMES ONCE THE DRAFT
DECISION HAD BEEN ADOPTED.

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